

MAR 27 2007 11:50AM JENKINS, WILSON&TAYLOR

"Express Mail" mailing number: ER530 265US

Date of Deposit January 27, 2006

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Shaylor E. Dunn

NO. 6498 P. 27

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brendes et al.

Group Art Unit: 2142

Serial No.: 09/770,316

Examiner: Hieu C. Le

Filed: January 26, 2001

Docket No.: 1322/49/2

Confirmation No.: 7530

For: METHODS AND SYSTEMS FOR PROVIDING CONVERGED NETWORK MANAGEMENT FUNCTIONALITY IN A GATEWAY ROUTING NODE

SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, Dan Alan Brendes, Joseph William Keller, and Seetharaman Khadri, being the inventors of the subject matter of the claims in the above-referenced U.S. patent application, declare as follows:

1. Prior to March 31, 2000, we produced a working feature in the United States, referred to as the MTP Primitives Feature, that performed the steps claimed in the above-referenced patent application of detecting a network management event regarding the status of an SS7 node residing in the SS7 network, in response to detecting the network management event, generating a data network management message indicating the operating status of the SS7 node, and

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sending the data network management message to nodes in the data network that are adapted to communicate with the SS7 network.

2. As evidence that a working version of the MTP Primitives Feature existed prior to March 31, 2000, we attach Exhibits A and B, which will now be explained in detail.
3. Exhibit A is a document entitled IP7 Secure Gateway 2.0 MTP Primitives Software Unit Test Plan (hereinafter, "MTP Primitives Testing Document"), which describes testing of the MTP Primitives Feature. The MTP Primitives Testing Document was created in October of 1999 and describes testing of the MTP Primitives Feature that occurred in October and November of 1999.
4. In Section 1.1, the MTP Primitives Testing Document indicates that its purpose is to verify the correct operation of the MTP Primitives Feature of the IP7 Secure Gateway 2.0. The MTP Primitives Feature is the same MTP Primitives Feature referred to our in original Declaration under 37 C.F.R. § 1.131 filed in the U.S. Patent and Trademark Office on April 7, 2005 (hereinafter, "original Rule 131 Declaration"). The IP7 Secure Gateway 2.0 includes an Eagle® STP platform with SS7 over IP signaling capabilities.
5. In Section 2 of the MTP Primitives Testing Document, Table 2 indicates that the Test Plan for the MTP Primitives Feature covers compliance with the Feature Description.
6. The Feature Description referred to in the MTP Primitives Testing Document is the same MTP Primitives Feature Description referred in our original Rule 131 Declaration.

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7. In Section 5 of the MTP Primitives Testing Document, line 1 of Table 14 indicates that 34 of the 48 Feature Description (FD) compliance tests were completed and the pass rate was 100%.
8. In Section 5.2.1 of the MTP Primitives Testing Document, Table 15 indicates by number the FD compliance tests that were completed and the completion dates. Test numbers FD2-FD14 for which data is not completed in the Table 15 were assigned to Seetharaman Khadri.
9. Exhibit B is a status report from Seetharaman Khadri for the week of 11/08/1999-11/12/1999 indicates that 36 of the 37 tests assigned to him were completed successfully.
10. The tests that were completed include tests, such as FD2, FD5, and FD7 referenced in the MTP Primitives Testing Document, that tested the capability of the MTP Primitives Feature to detect a network management event regarding the status of an SS7 node residing in the SS7 network, in response to detecting the network management event, generate a data network management message indicating the operating status of the SS7 node, and send the data network management message to nodes in the data network that are adapted to communicate with the SS7 network..
11. The development and testing of the MTP Primitives Feature were completed at Tekelec's offices in Morrisville, North Carolina.

We hereby declare that all statements herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and

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JENKINS, WILSON&TAYLOR

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the like so made and punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

*Dan Alan Brendes*

Dan Alan Brendes

*1/25/2006*

Date

Joseph William Keller

Date

Seetharaman Khadri

Date

Enclosure:

- Exhibit A: IP7 Secure Gateway 2.0 MTP Primitives  
Exhibit B: Status Report for week of 11/08/1999-11/12/1999

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the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Dan Alan Brendes

Date

  
Joseph William Keller

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1/25/06

Date

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Seetharaman Khadri

Date

## Enclosure:

Exhibit A: IP7 Secure Gateway 2.0 MTP Primitives

Exhibit B: Status Report for week of 11/08/1999-11/12/1999

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the like so made are punishable by fine or imprisonment, or both, under §10D1 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Dan Alan Brendes

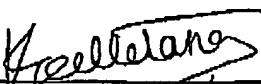
Date

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Joseph William Keller

Date

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Seetharaman Khadri

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Jan 25<sup>th</sup>, 2006

Date

## Enclosure:

Exhibit A: IP7 Secure Gateway 2.0 MTP Primitives

Exhibit B: Status Report for week of 11/08/1999-11/12/1999